IN RE: PETITION FOR ZONING VARIANCE N/S Old Padonia Road, 255'+/-W of the c/l of York Road (18 Old Padonia Road) 8th Election District 3rd Councilmanic District

\* ZONING COMMISSIONER \* OF BALTIMORE COUNTY

\* Case No. 90-14-A 18 Old Padonia Rd. Partnrshp. Petitioners

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 255.1 to permit side yard setbacks of 8 feet for the existing garage, and from Section 238.2 for 13 feet and 19 feet, respectively, for the proposed office building, in lieu of the required 30 feet for all, and from Sections 102.2 and 238.1 for a front yard setback of 5 feet for the existing garage in lieu of the required 25 feet, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Nancy E. Paige, Esquire, attorney for Baltimore Rigging Company, Inc., Tenant, appeared and testified. Also appearing on behalf of the Petition was Joseph White, Financial Vice President of Baltimore Rigging Company, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 18 Old Padonia Road, consists of .43 acres more or less zoned M.L., and is improved with a single family dwelling and separate garage. Testimony profferred by Counsel indicated that Petitioners propose converting the existing residence to a Class "A" office building. Petitioners claim the use of the building will be as office use only for the Baltimore Rigging Company, Inc., that the construction yard will not be moved to the site. The exterior of the building will not change and there will be no additions to the existing structure. Only the first floor will be occupied

and it is not anticipated that there will be more than nine employees on the premises at any given time. Testimony indicated the proposed improvements to the site will require that the property be brought into compliance with existing setback regulations. However, since the existing residence is being converted to office use and will not involve the construction of a new office building, the existing setbacks cannot be changed. Petitioners contend that strict compliance with the zoning regulations will result in undue hardship and practical difficulty, that granting the relief requested would be consistent with the spirit and intent of the

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical di'ficulty for an area variance, the Petitioner must meet the following:

> whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

inderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant o the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of August, 1989 that the Petition for Zoning Variance from Sections 255.1 to permit side yard setbacks of 8 feet for the existing garage, and from Section 238.2 for 13 feet and 19 feet, respectively, for the proposed office building, in lieu of the required 30 feet for all, and from Sections 102.2 and 238.1 for a front yard setback of 5 feet for the existing garage in lieu of the required 25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) The variance granted herein is limited to Petitioners and the conversion of the existing residence on the subject property to a Class "A" office building, as set forth in Petitioner's Exhibit 1, for office use only.

3) There shall be no expansion of the proposed Class "A" office building. In the event the building is expanded or improved on the exterior, the property shall be brought into compliance with the zoning regulations in effect at that time.

Compliance with the Office of Planning comments dated July 25, 1989 which require a CRG plan be submitted for review and approval. Further, prior to the issuance of any permits, a landscape plan shall be submitted for review and approval by the Baltimore County Landscape Planner.

- 3-

5) Prior to the issuance of any permits, a new site plan, landscaping plan, and actual property location survey shall be submitted to this office for inclusion in the case file.

6) When applying for a building permit, the site plan and lanscaping plan filed must reference this case and set forth and address the restrictions of this Order.

7) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

Zoning Commissioner

for Baltimore County

488 PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 255.1 to permit side yards of sight feet for the existing garage and 13 feet and 19 feet, respectively, for the proposed office building, instead of the required 30 feet (Section 238.2) and a front yard for the garage of 5 feet instead of the required 25 feet (Sections ----

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

This is an existing residence located in the M-L zone. The owners wish to convert it to a Class "A" office building for use by The Baltimore Rigging Company, Inc. No site work, and no removal of existing vegetation is planned. The present residential use is non-conforming, and the existing building cannot be converted to any conforming use unless the requested variance is granted.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s):

The Baltimore Ridging Co., Inc. 18 Old Padonia Read Partnership (Type or Print Name) Signature E.A. Haynes President 9209 Philadelphia Road (Type or Print Name) Baltimore, MD. 21237 City and State Attorney for Petitioner: Simi as tenant Nancy E. Paige (Type or Print Name)

Nannyh. Kacip 233 E. Redwood Street Name, address and phone number of legal owner, contract purchaser or representative to be contacted Baltimore, MD. 21202

Attorney's Telephone No.: 301/576-4294

of \_\_\_\_\_\_\_, 190\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

DESCRIPTION

18 OLD PADONIA ROAD KNOWN AS LOT 14 "PLAT OF LAND ROBERT H. BUSSEY" BALTO. CO. PLAT W.P.C. 4/155

Beginning for the same at the point formed by the intersection of the northeast side of Old Padonia Road, 30 feet wide and the division line between Lot 14 and Lot 15 as shown on the plat entitled "Plat of Land Belonging to Robert H. Bussey" and recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 4, Folio 155, said point of beginning being at a stone marked "B" and running thence binding on said division line between Lots 14 and 15, as now surveyed, North 06°- 01'- 06" East 200.00 feet to an iron pipe found; thence binding on the north outline of said Lot 14, as now surveyed, South 83°- 58'- 54" East 40.00 feet to a rebar set; thence binding on the northeast outline of said Lot 14, as now surveyed, South 18°- 36'- 06" East 220.00 feet to a rebar set and to the northeast side of said Old Padonia Road and thence binding on the northeast side of said Old Padonia Road, as now surveyed, North 83°- 58'- 54" West 131.65 feet to the place of beginning.

The hereinabove described parcel of land being known as Lot 14 as shown on the plat entitled "Plat of Land Belonging to Robert H. Bussey" and recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 4, Folio 155.

August 31, 1989

Dear Mr. Mills:

Mr. Creston Mills

707 N. Calvert Street

Chief Engineering Access Permits Division

Maryland Department of Transportation

State Highway Administration

Baltimore, Maryland 21203-0717

RE: Baltimore Rigging Company

18 Old Padonia Road

**RUBELING** & ASSOCIATES:

NANCY E. H. HENRY, ASID

I am in receipt of a copy of your letter dated 16 August 1989 to Mr. Robert Haynes Zoning Commission, Baltimore County, Maryland regarding the above mentioned project. The driveway in question is existing and there is no intention of doing any improvements within the state highway administration right-of-way on York Road, or on the county right-of-way on Old Padonia Road. It is MITCHELL NELSON, AIA ROad, or on the county right-or-way on old radout our intent that the county would grant a variance to allow this DAVID P. RECCHIA AIA driveway to stay as is.

Should you have any further questions or comments, please feel free to contact me at your convenience.

**ARCHITECTURE** RUBELING & ASSOCIATES, INC. INTERIOR DESIGN

David Recchia, AIA Associate

SEP 5 1989 ZONING OFFICE

cc: Mr. Robert Haynes/Zoning Commissioner Mr. Joe White/Balto. Rigging File 89-079

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

September 20, 1989



Nancy E. Paige Attorney Gordon, Feinblatt, Rothman, Hoffberger and Hollander Garrett Building 233 E. Redwood Street Baltimore, Maryland 21202

> RE: 18 Old Padonia Road Partnership - Petitioner Case #90-14-A

Dear Ms. Paige:

I am in receipt of your letter dated September 11, 1989 regarding the above captioned matter. I understand your client's position concerning my restrictions. However, because this is a redevelopment of an old property for a specific user, namely, your client, I believe that the variance should be limited to that user and, any extension of the variance to a new user should be based upon an evaluation of the impact of the new user in association with the variance.

Very truly yours,

401 JEFFERSON AVENUE • TOWSON M45 YLAND 21204 • 301/337-2586 • FAX 301/337-2974

September 11, 1989 J. Robert Haines SEP 14 1989 Zoning Commissioner for Baltimore County Office of Planning & Zoning ZONING OFFICE Towson, Maryland 21204 Re: Case No. 90-14-A 18 Old Padonia Road Partnership - Petitioners Dear Commissioner Haines: I am in receipt of your decision in the referenced I note that your Order restricts the variance to the petitioners. As we have previously discussed, the petitioners have anticipated occupying this property only on a temporary basis and therefore intend to sell it in the short term. Therefore, it would be desirable not to have the variances limited to the petitioners themselves, though it is understood and acceptable that they be limited to the proposed renovations and the areas covered by the site plan, petitioners Exhibit 1.
This plan limits office use to the first floor, which ensures that any office use of this property under the existing authorization will be of a very low intensity. I respectfully request that the restriction on the variances to the petitioners only be reconsidered, so that the petitioners may convey the property subject to the other APPLICATION FOR PERM BALTIMORE COUNTY HARYLAND OFFICE OF THE BUILDING ENGINEER TAK ACCOUNT 08-19-08515 TOWSON, MARYLAND 21204 building Address Owners Hame Mailing Address Po Box 18401 BACTO MA 21237 Posted for:

Petitioner:

Petitioner:

Location of property: 18 Old Porland Road

Location of property: 18 Old Porland Road BALTIMURE RIGGING District & Th. BALTIGAL RIGGING BUILDING ENGINEER OR ARCHITECT IF UNDER CONTRACT
OF SALES GIVE SELLER'S
NAME AND ADDRESS Location of Signs: In front of #18 Did Pallonio Road PLACE UNDER WORK TO BE DONE: "ZONING PROVISIONALLY APPROVES THIS A. TY PERMIT FOR INTERIOR ALTERATION ONLY, IT IS CONDITIONED UPON THE GRANT OF THE REQUESTED IN ZONING CASE #90-14-A AND ITEM #63. IF DENIED, THIS. APPROVAL IS VOID AND THE PROPERTY MUST BE REPAIRED TO ITS ORIGINAL

CONNERS' CONDITION. IF GRANTED, AN UPDATED PERMIT APPLICATION MAY BE
REQUIRED." OK JRH 8/14/89 S. THECKING MINTER NO. WHITE GEDUCTED \_\_\_\_ OS. THE SWIMMING POOL a. of occ. ones other 12. PARKING GARAGE 13. SERVICE STATION, REPAIR GARAGE 14. HOSPITAL, INSTITUTIONAL, NURSING HOME DESCRIBE PROPOSED WORK

STORY OF THE PROPOSED WORK

REMOVE I NOW - BEARING MAKES, NEW ROOF CONCRETE 18. OFFICE, BANK, PROFESSIONAL 14. T PUBLIC UTILITY Shingles, NAM DROP CEILING, NEW CALRET SABEMENT

THE PRINT & HALLPRER UNDICATE PARTIAL

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DIECK APPROPRIATE CATEGORIES FOR RESIDENTIAL ONLY

B. OWNERSHIP AS CO.

B. OWNE 19. STORE MERCANTILE RESTAURANT MOTICE OF HEARING The Zening Commissioner of Bultimore Cearty, by authority of the Zoning Act and Requisitions of Bultimore County by subsertly of the Zoning Act and Requisitions of Bultimore County Office Bultimore Income 108 of the County Office Bultimore Income 111 W. Cheespeelie Averue in Toy. Maryland 21204 as follows. About 21204 as follows. About 21204 A North Side Old Padonia Road, 255° ± W of of of York Road D. TYPE OF CONSTRUCTION E. RESIDENTIAL ONLY 1 STAUCTURE STEEL 1. PUBLIC SYSTEM EXISTS PROPOSED SINGLE FAMILY UNITS PRIVATE SYSTEM EXISTS PROPOSED . 4. REINF, CONCRETE TYPE OF HEATING FUEL MULTI FAMILY UNITS IS THERE CENTRAL AIR CONDITIONING HOW MANY APARTMENTS HAVE 1 DELECTRICITY 1. TYES Z. X NO 1 4 COAL IS THERE AN INCINERATOR TYPE OF SEWAGE DISPOSAL 1. NO 2. TYES - WITH AIR POLLUTION CONTROL TYPE OF S LE PUBLIC SEMEN 1. YES - WITHOUT AIR POLLUTION CONTROL
NO. OF ELEVATORS TO BE INSTALLED NOVE 2. PRIVATE SYSTEM . EXISTS PROPOSED S. THREE BEDROOMS OR MORE Nº SER OF OFF STREET PARKING SPACES Patrioner/Tenant:
Baltimore Rigging Co., Inc.
Hearing Date: Wednesday,
July 25, 1969 at 3:00 p.m. BEPTIC EXISTS PROPOSED PRIVY EXISTS PROPOSED 7. TOTAL NO. OF APARTMENTS G. HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORS COUNTY HRBAGE YES NO POWDER ROUMS BATHROOMS KITCHENS of eight least for the existing garage and 13 least and 19 feet, respecifiedly, for the proposed effice
building, instead of the required
30 feet and a tentry and for the garage of 5 feet instead at the required 25 feet.

In the event that this Petition is
granted, a building permit may be
issued within the thirty (30) day
appeal period. The Zoning Commissioner will, however, entertain
any request for a stay of the insuence of said permit during this
period for good name shows.
Such request must be in writing
and received in this office by the
date of the hearing sat above or
presented at the hearing. DALTHORE KIGGING 4-2140x 200122-U CORNER AGENCY APPROVAL SIGNATURE PROLITION SUCCESSION STREET Zoning Commissioner of Bellimare County
TUBM36 June 28 DEPARTMENT CONSTRUCTION DIWORKING CINE

NO PERMIT FEES REPUNDED

VESTIGATION FEE

Louis See Conditional Note.

LAW OFFICES Gordon, Feinblatt, Rothman, Hoffberger & Hollander

GARRETT BUILDING

233 E. REDWOOD STREET

BALTIMORE, MD. 21202

301-576-4000

1800 K STREET, N. W. SUITE 600

WASHINGTON, D. C. 20006

202-659-0555

TELEX 908041 BAL

D. C. FAX: 202-659-2799

BALTO LAX: 301-576-4246

BALTO FAX: 301-576-4167

DANA A. REED
ANASTABIA WATEON SHITH
FOR Y. HATCHITTE
SHARON B. CREDIT
CHARLES S. HIBSCH
JOHN H. GREER
CHARLES E. BACHARACH
CAROLYN J. MOSES
JEPPREY M. SCHWARER

GART L ATTMAN MOMUND R KALLING

LIBOY E. HOPPBERGER MORTON J. HOLLANDES

DAVID R. GORDON
BUDGNE M. PEINBLATT
DONALD M. BOTHMAN
EVAN ALEVIZATOS CHRI
LEWIR A. KANN
BUWARD E. GASTLIRE
LURIDIG E. MAW'RE
RANDER L. WIRE
BELIE COBINION
DAVID II. PERHIMAN
ALLAN J. MALESTER
LAWRENCE S. GREENWA
LISTER D. BAILEY
HERREPT GOLDMAN
SOMERT E. SHARREY
ALAN RICHARD SACHS
THOMAS J. DOUD, JR.
GROPPELT R. GETNER\*\*
LAWRENCE J. COPPEL

THE BUT MANUAL AND DEFENCE OF COLUMBIA BAR.

CHARLES E BIENEMAN
NANCY E PAKE
MARC BLUM
PERRY M. GOULD
BARRY E BOSEN
SHEELA E BACHS
THOMAS C. BARBUTT
FRANCIS MACDOUGALE
TROUTHY D. A. CHRISS
BOSERT C. RELLITES
GLORIA M. BELGRAD
ROBERT W. KATZO
ABBA TAVID POLIAKOFE
MASK M. KOLMAN
ALBON E. ASTI
JACK C. TRANTES
JERROLD A. THROPSOJAMES A. VIDMAR, JR.
MARK L. ROSINNERGO-

GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER J. Robert Haines September 11, 1989 Page 2 conditions, but available for office use in the existing structure. Thank you for your consideration. Very truly yours, Mucht have Nancy E. Paige NEP/ms cc: Joseph White HainesBR.ltr

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Date of Posting July 7- 59

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 5 .. 1989

THE JEFFERSONIAN

TOWSON TIMES,

THIS IS TO CERTIFY, that the annexed advertisement was

5. Zefe Orlan

PO 13632

19 M30987

co 90-14-A

price \$109.58

published in TOWSON TIMES, a weekly newspaper published in

Towson, Baltimore County, Md., once in each of \_\_\_\_ successive

weeks, the first publication appearing on June 29, 1989.

LAW OFFICES GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER **GARRETT BUILDING** 233 E. REDWOOD STREET CHARLES R. TAYLOR, JR.\*
RICHARD B. NETTLER\*
MICHAEL J. JACK\*
ANTOINETTE C. EMERY\*
SURAN SOUDER
ROBERT P. LEGG
NELL J. SCHECHTER
J. RONALD SHIPP\*
MARY COLLIEN DALTON\*
ELLIOTT COWAN\*
HILLEL TENDLER
BEADRORD W. WARRASEE
THOMAS E. DERNOGA
TRACEY E. SKINNER\*
SHARON L. ALDOURT CHARLES B. BRENEM/
MANCY E. PAIOR
I ARC BLIM
FERRY M. GOULD
BARRY R. BOSEN
SHERA E. BACHS
THOMAS C. BARRUTI
PRANCIS MACDOUGA
TUMOTHY D. A. CHRE
ROBERT C. KELLNER
GLORIA M. BELGRAD
ROBERT W. KATP\*
AMRA DAVID FOLIAK
MARK H. KOLMAN
ALISON L. ASTI
JACK C. TRANTER
JERROLD A. THROPP\*
JAMES A. VIDMAR, JR.
MARK L. ROSENBERO DAVED P. GORDON
BUGENE M. HENBLATT
DONALD M. ROTHMAN
EVAN ALEVIZATOR CHEL
LEWIS A. KANN
EDWARD E. OBSTLER
LORING E. HAWES
SANDER L. WISE
ZELIG ROBENSON
DAVED H. PISHDAN
ALLAN J. MALESTER
LAWRENCE S. GREENW
LESTER D. BABLET
HERBERT GOLDMAN
ROBERT E. SHARKEY
ALAN EKMARD RACH BALTIMORE, MD. 21202 301-576-4000 1800 K STREET, N. W. SUITE 600 WASHINGTON, D. C. 20006 202-659-0555 GART L ATTMAN SIGMUND & EALLING TELEX 908041 BAL D. C. FAX: 202-659-2799 LEBOY B. HOPPBERGER MORTON J. HOLLANDER BALTO FAX: 301-576-4246 BALTO FAX: 301-576-4167 MEMBER MARTILLING AND DISTRICT OF COLUMBIA & MEMBER DISTRICT OF COLUMBIA &AR DIRECT DIAL 301 576- 4294 August 9, 1989 J. Robert Haines Zoning Commissioner Baltimore County Office Building Room 100 AUG 9 1989 111 W. Chesapeake Avenue Towson, Maryland 21204 ZONING OFFICE Re: 18 Old Padonia Road Zoning Variances Dear Commissioner Haines: As we recently discussed, Baltimore Rigging Co., Inc. is most anxious to resolve outstanding zoning issues respecting the subject premises at 18 Old Padonia Road, so that it may complete interior renovation to permit occupancy for office use. At the hearing on July 26, 1989, respecting requested yard variances to permit conversion of the existing residence to office use, we were advised for the first time, that the existing residential driveway is also in violation of zoning regulations. Since this condition was not previously recognized, it was not included in the July 26 hearing. Baltimore Rigging Co., Inc. has applied for a permit to

make interior renovations and this has been held subject only

issue. We have today submitted an application for variance

\* Item #63

the outcome of the variance hearing. The renovation permit is now subject to further delay, pending resolution of the driveway

respecting the driveway. I therefore request that the Office of Zoning conditionally approve the renovation permit, subject to the outcome of the hearing on the driveway variance. If this

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Date: 7/10/89 The Baltimore Rigging Co., Inc. 9209 Philadelphia Road Baltimore, Maryland 21237 Petition for Zoning Variance CASE NUMBER: 90-14-A Dennis F. Rasmussen 18 Padonia Road 8th Election District - 3rd Councilmanic Legal Owner(s): 18 Old Padonia Road Partnership Petitioner/Tenant: Baltimure Rigging Company, Inc. HEARING SCHEDULED: WEDNESDAY, JULY 26, 1989 at 3:00 p.m. THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN AND POST SET(S) FROM THE PROPERTY UNTIL THE DATE OF Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland BALTIMORE COUNTY, MARYLAND (OFFICE OF FINANCE - REVENUE DIVISION HISCELLANEOUS CASH RECEIPT 1-01-115.00A B 130 \*\*\*\* 13458: 27-F VALIDATION OR SIGNATURE OF CASHIER

GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER

J. Robert Haines August 9, 1989 Page 2

variance is denied, Baltimore Rigging Co., Inc. understands that modification of the driveway will be required as a condition of a use and occupancy permit.

I have enclosed a proposed order on the yard variances and have included a condition recognizing the necessity for an additional variance on the driveway.

I appreciate your consideration of the foregoing and hope that it will meet with your approval.

NEP/ms Haines.ltr

> Baltimore County Zoning Commissioner
> Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

June 14, 1989

NOTICE OF HEARING



And the second

Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 90-14-A 18 Padonia Road Oti: Election District - 3rd Councilmanic Legal Duner(s): 18 Old Padonia Road Partnership Petitioner/Tenant: Baltimore Rigging Company, Inc. HEARING SCHEDULED: WEDNESDAY, JULY 26, 1989 at 3:00 p.m.

Variance: To permit side yards of eight feet for the existing garage and 13 feet and 19 feet, respectively, for the proposed office building, instead of the required 30 feet and a front yard for the garage of 5 feet instead of the required 25 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

. Polot frince

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: 18 Old Padonia Road Partnership The Baltimore Rigging Co: Inc. Nancy E. Paige, Esq.

GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER

GARRETT BUILDING 233 E. REDWOOD STREET BAYID P. SCRICKE
BUGGINE, M. PRIMILATT
DOMALD N. BOTHMAN
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LUTING A. KANN
BOWARD B. CHITLES
LORING B. RAWES
SANDER L. WISE
FELLO ROSONION
DAVED 2. PRIMILAN
ALLAN J. MALBITER
LAWRIPETE B. GAIRNIWALE
LETTER D. BARLEY
HERBERT GOLDMAN
BOOSET B. SMARKEY
ALAN SICHARD SACRE DOUGLAS M. NOWN
DANA A. BRED
ARASTARA WATSON SMITTE
JOT Y. RATCHETTE
SHARON D. CERETT
CRAELIE B. BERECH
JETTRET L. BLUELMANJOHN H. GRESS
RATHY L. MICALIP
CRAELIE B. BACHARACE
CAROLIN J. MOSES
BLI RATHANE
JETTRANE
JETTRANE EAWRENCE D. COPPEL CHARLES E. BEDVEHANN, J. CHARLES E. TATLOS, JE.\* BICHARD S. METTLER\* ANTHONY S. GALLAGHER BURAN SOUDIE. BOREKT P. LEGG BALTIMORE, MD. 21202 MANCY & PAIGE MARC BLUM 301-576-4000 PERRY M. COULD BARRY F. BOSEN SHEELA E. SACHE THOMAS C. BARBUTI FRANCE MACDOUGALL TEMOTHY D. A. CHRISS 1800 K STREET, N. W. SUITE 600 WASHINGTON, D. C. 20006 MARY COLLIEN BALTONY
HELIOTT COWANY
HELIOT COWANY
HALLE TRYDLIN
THOMAS IL P THOMAS IL DERNOGA
TRACTY E. SURNYERY
JAN PAUL BELLER
DAYER, HEDRAM
HARON L. ALDOURY
CHARLES E. BEODEKY TRIBUTHY B. A. CHUJME OLORIA M. MELGRAD ROMERT W. KATE\* AJBA DAVID POLIAECI MARR H. EGLMAN AJBON L. ASTI JACK C. TRANTIR BERGOLD A. THROPE\* JAMBS A. VEMAR, JR. 202-659-0555 \_\_\_\_ TELEX 908041 BAL GARY L. ATTHAM MORRHO R. KALLING D. C. FAX: 202-659-2799 ALAH BUCHARD BACHE THOMAS J. DOUD, JR. GROPPLIT P. GETHER (D. C. CHLY) BALTO FAX: 301-576-4246 LIFOY E. HOFFBEROER MORTON J. HOLLANDER BALTO FAX: 301-576-4167

4294

May 3, 1989

Mr. J. Robert Haines Zoning Commissioner Baltimore County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204 1224

> RE: 18 Old Padonia Road Side Yard Zoning Variance

Dear Commissioner Haines:

This firm represents 18 Old Padonia Road Partnership and the Baltimore Rigging Company, Inc., owner and prospective tenant, respectively, of the property of the same address. The principals of the Partnership are also principals of the Baltimore Rigging Company.

The Baltimore Rigging Company has sold its current location and must vacate the premises by July 31, 1989. It had anticipated moving into the existing building at 18 Old Padonia Road, after some interior renovations. Because the property is zoned for office use, and the structure is existing, with no site or structural changes planned, it was not anticipated that any special zoning approval or authorization would be required. However, upon applying for a permit for the proposed renovations, it was learned that the existing side yards do not meet the ML requirements. Therefore, a variance has been applied for.

90-14-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this

Petitioner Beltimore Rigging Received by:

COUNTY OFFICE BLOG. 111 W. Chamapeske Ave. Towson, Maryland 21204

Aurrau of

Engineering

Ocpartment of Traffic Engineering

Zoning Administration

Industrial

Chairman, Zoning Plans
Advisory Committee

July 18, 1989

Mancy E Paige Esquire

Nancy E. Paige, Esquire

233 E. Redwood Street

Baltimore, MD 21202 RE: Item No. 488, Case No. 90-14-A Petitioner: The Baltimore Rigging

Petition for Zoning Variance

Dear Ms. Paige:

The Zoning Plans Advisory Committee has reviewed the plans State Roads Commissio submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of Bureau of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development Kealth Department plans that may have a bearing on this case. Director of Project Planning Planning may file a written report with the Zoning Commissioner Building Department with recommendations as to the suitability of the requested Board of Education

> Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

> > Very truly yours,

James E. Keyer/no JAMES E. DYER Chairman Zoning Plans Advisory Committee

JED:jw Enclosures

cc: Mr. E. A. Hayes The Baltimore Rigging Co., Inc. 233 E. Redwood Street Baltimore, MD 21202

GORDON, FEINBLATT, ROTHMA HOFFBERGER & HOLLANDER

Mr. J. Robert Haines May 3, 1989. Page 2

Because of the contract deadline for vacating its current location, the Baltimore Rigging Company requests that a hearing be scheduled at the earliest possible time to permit its move to the new location by July 31, 1988. If the process is not completed by that time, the company will be homeless.

Thank you for your consideration.

Nery truly yours, Nancy E. Paige

tagm haines.ltr

LAW OFFICES GORDON, FEINBLATT, ROTHMAN, HOFFBERGER & HOLLANDER GARRETT BUILDING

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GARY L ATTMAN

SECHUND & KALLING

LEROY E. HOPPBERGER MORTON J. HOLLANDES

May 9, 1989

VIA CITY EXPRESS

John Lewis Planning and Zoning Associate Baltimore County Zoning Office Room 113, County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

> Re: The Baltimore Rigging Co., Inc. Zoning Variance for 18 Old Padonia Road

Dear Mr. Lewis:

Pursuant to our recent conversation, I hereby request and authorize you to amend the variance petition respecting the referenced property to request

> "a variance from Section 255.1 to permit side yards of eight feet for the existing garage, and, 13 feet and 19 feet, respectively, for the proposed office building, instead of the required 30 feet (see Section 238.2), and a front yard for the garage of 5 feet instead of the required 25 feet (see Sections 102.2 and

Thank you for your assistance.

Very truly yours,

NEP/ms

-383 58 54 E 40.00' 54" REBAR SET IRON PIPE FOUND. ASPHAL LOT NO 14 STONE, MON. "- NB3° 58'54"W 131,65"... OLD PADONIA (30'WIDE) RD. · CPAVED 20'MAC.)

BEING KNOWN & DESIGNATED AS LOT 14, PLAT OF LAND BELONGING TO BOBET H. BUSSEY, WHICH PLAT IS RECORDED WONG THE LAND RECORDS OF BALTO, CO. IN PLAT BOOK WPC NO 4 FOLIO 135.

AREA = 17165.00 3Q.FT. OR 0.3941 ACRE =

THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL EXSEMENTS, RIGHTS-OF-WAY AND/OR COVENANTS OF RECORD.

the second secon SURVEYORS CERTIFICATE I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS SHOWN ON THE ABOVE DESCRIBED

PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY FIELD

BOUNDARY SURVEY I IB OLD PADONIA ROAD

SOUNG ARTHUR CT.

DATE MAY 2.1989 SCALE: JN. 30" JOB Nº 1000 REF. BALTO, CO 938 0281

Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

The Bureau of Traffic Engineering has no comments for items number 487, 428 489, 491, 492, 494, 495, 496, 497, 498, and 499.

Very truly yours, Traffic Engineer Assoc. II

MSF/lvw

7.2

Baltimore County Fire Department 800 York Road Towson, Maryland 21204-2586 (301) 887-4500 Paul H. Reincke

June 1, 1989

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Dennis F. Rasmusser
County Executive

RE: Property Owner:

18 Old Padonia Road Partnership Tenant: The Baltimore Rigging Company, Inc. N side Old Padonia Road, 255' (+ or -) W of

Location: centerline of York Road 48833 Zoning Agenda: May 30, 1989 Item No.:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Att local Tolly 6-J-89 Noted and Approved Planning Group Approved Fire Prevention Bureau Special Inspection Division

JK/ker

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: July 25, 1989 J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director

Office of Planning and Zoning 18 Old Padonia Road Partnership, Item 488
SUBJECT: Zoning Petition No. 90-14-A

The petitioner requests a variance to permit side yards of eight feet for the existing garage and 13 feet and 19 feet, respectively for the proposed office building, instead of the required 30 feet and a front yard for the garage of five feet instead of the required 25 feet. In reference to this request, staff offers the following comments:

1. A waiver from CRG meeting was granted by the Planning Board on May 18, 1989 (W-89-119). However, a CRG plan plan must be submitted for review and approval. The approved zoning plan should conform to the approved CRG plan and the final landscape plan.

 A ten foot wide driveway is inadequate for ingress and egress for office use; a 24 foot entrance and 20 foot egress for office use, a 24 foot entranse under the size of wide drive is required. The storage of construction equipment would be impractical unless the size of the parking area is increased. Also, no parking should be permitted in the front yard. Existing planting to the west may need to be supplemented in the event that adjacent property continues to be used for residential

purposes. A landscape plan must be submitted for approval prior to the issuance of any building permit.

PK/sf

